

Yeas—16

Aikin	Neal
Collie	Nelson
Cotten	Newton
Davis	Oneal
Hill	Roberts
Holbrook	Sulak
Isbell	Westerfeld
Lemens	Woodruff

Nays—8

Brownlee	Shivers
Moore	Stone
Pace	Van Zandt
Rawlings	Weinert

Absent—Excused

Beck	Small
Burns	Spears
Head	Winfield
Redditt	

The Senate, accordingly, at 3:50 o'clock p. m., adjourned until 2:00 o'clock p. m., Monday, June 14, 1937.

NINTH DAY

(Monday, June 14, 1937)

The Senate met at 2:00 o'clock p. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

The following Senators were absent and excused:

Burns	Van Zandt
Sulak	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of the Eighth Legislative day was dispensed with, on motion of Senator Roberts.

Leaves of Absence

Senator Burns was granted leave of absence for today, on account of important business, on motion of Senator Shivers.

Senator Sulak was granted leave of absence for today, on account of important business, on motion of Senator Aikin.

Senator Van Zandt was granted leave of absence for today, on account of important business, on motion of Senator Pace.

Report of Standing Committee

The report of the Committee on Finance on H. C. R. No. 2 was submitted by Senator Redditt.

Senate Concurrent Resolution No. 5

Senator Holbrook offered the following resolution:

Whereas, The Forty-fourth Legislature of the State of Texas appropriated \$1,200,000.00 out of a \$3,000,000.00 Centennial appropriation for the purpose of erecting in the City of Dallas a Hall of State, which was to be used for the benefit of the public as a shrine commemorating and celebrating the heroic deeds of our ancestors; and

Whereas, The law recited that the City of Dallas was to lease this building for a period of twenty years at a rental of \$100.00 per year and to insure, repair and protect the said building and to use it for the purposes expressed in the law at the time the appropriation was made; and

Whereas, The Legislature was led to believe by the Central Centennial Committee of Dallas that the City of Dallas was ready and willing to take over the building as set out in the law if the \$3,000,000.00 was appropriated; and

Whereas, The City of Dallas has failed and refused to carry out the terms of the law either in spirit or letter by failing and refusing to sign the contract which was prepared by the Attorney General of Texas, as provided by law, and presented to the City of Dallas by the State Board of Control; and

Whereas, The building is now without a responsible agent to protect, administer or operate said building or to carry out the purposes for which the building was erected; therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That the State Board of Control be, and is hereby authorized and instructed to proceed to take over said building and to place the same in the use of the State for any useful purposes that they may deem proper and necessary, and that the existing State agencies now operating in the City of Dallas may have the benefit of the space and equipment of said building and for such other and further uses as the State Board of Control may deem proper.

The resolution was read.

On motion of Senator Holbrook and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended, to permit consideration of the resolution at this time.

On motion of Senator Holbrook, the resolution was tabled subject to call.

Senate Resolution No. 6

Senator Woodruff offered the following resolution:

Whereas, The year 1936 was the anniversary of the One Hundreth year of the Independence of Texas and appropriate celebrations were held throughout Texas, thereby creating considerable interest in the History, Constitution and Laws of the State of Texas, and

Whereas, The 44th Legislature authorized the printing of 5000 copies of the Texas Constitution for distribution to the citizens of Texas, and this supply has become exhausted, and

Whereas, The State Legislative Reference Librarian and Secretary of State are having daily requests for copies of said Constitution, and

Whereas, It is in the interest of good Government to have a citizenship generally enlightened and particularly informed as to the provisions, content, and purpose of the Constitution of the State of Texas; and

Whereas, The Secretary of the Senate heretofore has been directed to

have printed a number of copies of the Legislative Manual, which includes the State Constitution and Index, and additional copies of the Constitution and Index could be printed separately at a nominal cost to the State of Texas from the form mats and type set-ups for the foregoing purposes; now, therefore

Be It Resolved, By the Senate of the State of Texas, that the Secretary of the Senate be authorized and directed to have printed by the printer who prints the Legislative Manual for the Forty-fifth Legislature, at the lowest possible cost to the State, two thousand (2000) copies of the Constitution of the State of Texas with index thereto and that he deliver, or cause same to be delivered to the State Library for distribution to the citizens of Texas who send requests for single copies thereof; and be it

Resolved further, That the cost of printing the foregoing copies of the Constitution of the State of Texas be paid out of the contingent funds of the Senate of the Forty-fifth Legislature upon warrants drawn thereupon and approved by the Chairman of the Committee on Contingent Expense and signed by the Secretary of the Senate and the Lieutenant Governor.

The resolution was read.

On motion of Senator Woodruff and by unanimous consent, the resolution was considered at this time and was adopted.

Relating to Adjournment Sine Die

The Senate resumed consideration of the unfinished business, same being the motion of Senator Woodruff to reconsider the vote by which S. C. R. No. 4, fixing time for adjournment sine die, was adopted and motion of Senator Moore to table the motion to reconsider.

Question — Shall the motion to table prevail?

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14

Beck	Redditt
Brownlee	Roberts
Davis	Shivers
Holbrook	Small
Moore	Stone
Pace	Weinert
Rawlings	Winfield

Nays—11

Alkin	Nelson
Collie	Newton
Cotten	Oneal
Hill	Westerfeld
Isbell	Woodruff
Lemens	

Absent

Head	Spears
Neal	

Absent—Excused

Burns	Van Zandt
Sulak	

**Report of Conference Committee
on House Bill No. 1**

Senator Redditt submitted the following report of the conference committee on H. B. No. 1:

Committee Room,
Austin, Texas June 14, 1937.
Hon. Walter F. Woodul, President of
the Senate;
Hon. R. W. Calvert, Speaker of the
House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences in House Bill No. 1, beg leave to report that we have had the same under consideration and recommend that it do pass in the form and text attached hereto.

Respectfully submitted,
REDDITT,
NELSON,
ONEAL,
RAWLINGS,
MOORE,

On the part of the Senate.

GRAVES,
THORNBERRY,
THORNTON,
REED of Dallas,
DAVISSON of Fisher.

On the part of the House.

Committee Substitute for
H. B. No. 1.

A BILL

To Be Entitled

An Act making supplemental and new appropriations for the support and maintenance of executive, legislative, administrative and other agencies and departments of the State Government; making certain corrective amendments to S. B. No. 138, passed at the Reg-

ular Session of the Forty-fifth Legislature, which is the General Departmental Appropriation Bill for the biennium commencing September 1, 1937, and ending August 31, 1939, and declaring if any portion of this Act be held unconstitutional, then it is the intent of the Legislature to pass the remaining portion thereof, regardless of the unconstitutionality of such other portion; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

That the several sums of money herein specified, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, or out of special funds as may be shown, for the following purposes, to-wit:

Section 1. Mileage, per diem and contingent expenses, Forty-fifth Legislature, First Called Session.

Subsection a. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of One Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary, to pay the contingent expenses and to pay the mileage and per diem of members and the per diem of officers and employees of the First Called Session of the Forty-fifth Legislature.

Subsection b. The certificate of the Secretary of the Senate, approved by the President of the Senate, or the certificate of the Chief Clerk of the House of Representatives, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which to audit and pay the claims for mileage and per diem of members and the salaries and per diem of officers and employees of the First Called Session of the Forty-fifth Legislature, and to pay any unpaid bills or accounts of the Regular Session of the Forty-fifth Legislature, and the Comptroller shall issue the necessary warrants for same upon the Treasury of the State of Texas.

Subsection c. The certificate of the Chairman of the Committee on Contingent Expenses of the Senate, approved by the President of the Senate, or the certificate of the

Chairman of the Committee on Contingent Expenses of the House of Representatives, approved by the Speaker of the House, as the case may be, shall be sufficient authority to the Comptroller to issue warrants upon the Treasury of the State of Texas for the payment of accounts for contingent expenses of the First Called Session of the Forty-fifth Legislature for either House and to pay any unpaid bills or accounts of the Regular Session of the Forty-fifth Legislature.

Sec. 2. The following amendment to the appropriation for the State Board of Control, as contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is hereby made, by adding at the end of said appropriation the following provisions:

"There are hereby appropriated to the State Board of Control for each of the fiscal years ending August 31, 1938, and August 31, 1939, all fees and receipts collected by said Board in connection with inviting bids and furnishing proposals on contracts and purchases to be awarded by the Board, together with any balances on hand at the end of any fiscal year from such receipts, to be deposited in the State Treasury and used or paid out as other State funds to defray all necessary salaries, postage, maintenance and contingent expenses in connection with the making and furnishing of said proposals and said services.

Provided, further, that the authorization that permits State Departments to excuse a part of their employees at noon on Saturday is modified for the Board of Control to provide that said Department may set its closing time on Saturdays and permit all employees to leave, provided the number of hours work during the week shall be the same as provided in the General Appropriation Bill. This provision is granted inasmuch as the Board of Control cannot function efficiently with only about one-half of the employees present.

In compliance with the provisions of the Texas Relief Acts the State Comptroller and State Treasurer are hereby directed to set aside sufficient funds during the biennium ending August 31, 1939, in the "Texas Re-

lief Bond Sinking Fund" for the payment of the principal of maturing Relief Bonds and accruing interest due during said biennium and sufficient funds therefor are hereby appropriated. For the purpose of administering relief out of either Federal or State funds after August 31, 1937, there is hereby appropriated to the State Board of Control out of any relief bond moneys of any series remaining on hand August 31, 1937, such amounts as may be necessary for the authorized relief, salaries, bonds and other administrative expenses as provided in S. B. No. 90, Acts of the Regular Session of the Forty-fourth Legislature. However, the provisions of paragraph (h), Section 12 of said S. B. No. 90 shall not apply to this appropriation and said Board shall fully cooperate with the Federal Government in disbursing food, clothing and other commodities allocated to Texas by the Federal Government. The funds so appropriated herein shall be disbursed by warrants drawn by the Comptroller of Public Accounts on the Relief Bonds Fund upon invoices approved by the State Board of Control. The State Treasurer is directed not to transfer any sums of money (which have been derived from the sale of any of the relief bonds) from any of the relief bond accounts and/or special accounts to the "Texas Relief Bond Sinking Fund" until notified in writing by the State Board of Control that relief under said accounts and/or special accounts has been terminated.

In the event House Bill No. 7, passed by the Forty-fifth Legislature and sent to the Governor for his action, becomes a law, it is hereby provided that all appropriations made for administration, operation, maintenance and other purposes for the several agencies or divisions of government consolidated under the provisions of said H. B. No. 7 shall become available to the Division of Public Welfare of the State Board of Control, throughout the biennium ending August 31, 1939; and also that the current appropriations shall not cease or become ineffective for the short period between the effective date of H. B. No. 7 and this biennial appropriation act.

Inasmuch as an error occurred in the appropriation for the Child Welfare Division for the biennium ending August 31, 1939, in that sufficient money was therein appropriated to pay the salaries of two child welfare assistants \$2,160.00 per year each and the descriptive item by oversight erroneously recited "None exceeding \$1,800.00 per year," said item is hereby changed, amended or corrected to read "none exceeding \$2,160.00 per year," but the total of \$4,320.00 appropriated each year shall remain the same."

Sec. 3. The following amendment to the appropriation for the Board of County and District Road Indebtedness, contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is hereby made, by adding at the end of said appropriation and any riders thereto, the following:

"Item No. 2 of the appropriations for this Board erroneously recites 'auditors, three, one at \$2,700.00, three at \$2,520.00,' and said description and item is hereby changed and corrected to recite 'auditors, four, one at \$2,700.00, three at \$2,520.00,' and the total amount in each year shall remain the same."

Sec. 4. The following amendment to the appropriation for the State Board of Hairdressers and Cosmetologists contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is hereby made, by adding at the end of said appropriation the following:

"The special provision or rider erroneously omitted at the close of the Board's appropriations is hereby inserted, and reads as follows:

"There is hereby appropriated, and ordered transferred, the sum of Eighteen Hundred Seventy-five Dollars (\$1,875.00) per year out of the State Board of Cosmetologists Fund to the General Revenue Fund for the purpose of paying the cost of governmental services rendered to the State Board of Hairdressers and Cosmetologists."

Sec. 5. The following amendment to the appropriation for the State Department of Health, contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is hereby made, by adding a new provision to said appropriation, to read as follows:

"The appropriations herein made under Items 73 and 74 for Malariologist and Assistant Malariologist may be transferred to any of the State Hospitals upon the written approval of the State Board of Health and the State Board of Control."

Sec. 6. The following amendment to the appropriation for the State Board of Water Engineers, contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is hereby made, by adding at the end of said appropriation the following:

"There is hereby appropriated to the State Board of Water Engineers, out of any money in the State Treasury not otherwise appropriated, for the fiscal years ending August 31, 1938, and August 31, 1939, the sum of \$3,000.00 each year, or so much thereof as may be necessary, for rent for quarters to be occupied by the State Board of Water Engineers and the State Reclamation Department. It is specially provided that the State Board of Water Engineers shall select suitable quarters by September 1, 1937, and shall vacate the quarters now occupied by said Board in the State Highway Building on or before the 10th day of September, 1937.

It is further specifically provided that no warrant shall be issued for salary to any member of said Board who fails to comply with this provision.

Sec. 7. The following amendments to the appropriation for the State Department of Education, contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, are made, as follows:

Subsection a. "The erroneous omission of the words 'State's Part' immediately preceding the word 'Salaries' in the appropriation for the Vocational Rehabilitation division of the State Department of Education is hereby corrected, and said words 'State's Part' are hereby inserted immediately preceding the word 'Salaries' in said appropriation act."

Subsection b. "In the Textbook Administration Division of the State Board of Education the erroneous repetition immediately following the head of 'Administrative Salaries' of the four following positions and amounts:

	For the Years Ending	
	August 31, 1938	August 31, 1939
Director	\$ 3,600.00	\$ 3,600.00
Chief Clerk	2,700.00	2,700.00
Chief Accountant	2,500.00	2,500.00
Depository Manager	2,100.00	2,100.00

are hereby corrected in that said four items and amounts therefor are hereby eliminated and deleted from the said appropriation and it is hereby declared the intention of the Legislature was not to appropriate said positions in duplicate or repetition.

Subsection c. "The State Board of Education is hereby directed to appoint not more than two surveyors, one auditor and one bond expert; such employees are to be paid salaries and necessary expenses commensurate with salaries paid in other departments for similar employment, and are to be paid out of the Available School Fund. The surveyors shall be at the disposal of the Board of Education for the purpose of investigating and locating the true boundaries of such free school lands concerning about which any question has heretofore arisen or may hereafter arise; the auditor's duty shall be such as may be prescribed by the Board and the bond expert shall give his written opinion upon all bonds or securities tendered for purchase to the State Board of Education for investment of the permanent school fund. Such written recommendations of said expert shall be made of record in each instance in the minutes of the Board, and the members of the Board of Education are hereby directed to place on record the vote of each member present and voting upon all questions arising on the matter of following or rejecting the recommendations of the bond expert in the matter of purchasing securities for the permanent school fund.

Sec. 8. The following amendment to the appropriation for the General Land Office, contained in S. B. No. 138, Regular Session, forty-fifth Legislature, is made, by adding at the end of said appropriation act the following:

"All receipts to the Mineral Development Fund shall be transferred and released into the General Revenue Fund as collected. The appropriations herein contained include appropriations for the Board of Mineral Development. The employees

filling said positions shall be selected by said Board."

Sec. 9. The following amendment to the appropriation for the Texas Library and Historical Commission, contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is made, by adding thereto the following:

"Provided that all moneys paid into the State Treasury by the State Library from refunds for loss or badly damaged books, and all moneys for prepayment for postage, drayage, or transportation are hereby appropriated for the State Library for books, postage, express and freight for the State Library."

Sec. 10. The following amendment to the appropriation for the Livestock Sanitary Commission as contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is hereby made:

"Item No. 8 of said appropriation, describing the title of the position as 'Library,' is hereby corrected and changed to recite 'Laboratory director', and the amount appropriated therefor each year shall remain the same."

Sec. 11. The following amendment to the appropriation for the Rio Grande Compact Commission in S. B. No. 138, Regular Session, Forty-fifth Legislature, is hereby made:

"The erroneously recited title appearing in the appropriation bill of 'Rio Grande Canyon' is corrected to read 'Rio Grande Compact Commission', and the description of Item No. 2 of said Commission's appropriation erroneously reciting 'expenses in connection with law suit, Master of Chaucer' is hereby corrected to read 'expenses in connection with law suit, Master in Chancery,' and the total amount shall remain the same."

Sec. 13. The following amendment to the appropriation for the State Parks Board, contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is hereby made:

"Immediately following the appropriation for the Texas State Parks

Board, insert the following provisions:

'All of the Parks' and Board's local fund receipts and any previous annual balances of local receipts are hereby appropriated and reappropriated for each year of the biennium for maintenance and improvement of the State parks. All maintenance items may be supplemented with Federal Funds.'

Sec. 14. The following amendment to the appropriation for the Department of Public Safety, contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is made:

"Item No. 6 of the appropriations for the Department of Public Safety, in which a part of the description of salaries was erroneously omitted, is hereby corrected and changed, with no change made in the amount, as follows:

	"For the Years Ending
	August 31, August 31,
	1938 1939

<p>6. Salaries, including statutory subsistence but no statutory-salary increases are allowed for continuous service, six captains at \$250.00 per month, one sergeant at \$225.00 per month, twenty-five privates at \$200.00 per month</p>	<p>\$ 80,700.00 \$ 80,700.00</p>
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Sec. 15. The following amendment to the appropriation for the Texas Racing Commission, contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is hereby made:

"The special provisions immediately following the appropriations for the Texas Racing Commission and erroneously omitted from the appropriation act are hereby inserted, as follows:

"The itemized amounts are hereby appropriated to the Texas Racing Commission for each of said years out of the Special Racing Fund as created and provided by Chapter 10 of the printed General and Special Laws of the First Called Session of the Forty-Third Legislature and any amendments. The remainder in said fund after providing for said annual operating expenses is hereby appropriated in accordance with the provisions of said law and amendments for each of said years as follows: Twenty-five per cent to the State Available School Fund to be used for public free school purposes, and the balance then remaining is hereby appropriated as follows: Twenty per cent to the State Board of Control to be used in purchasing, transporting and delivering for distribution well-breed and approved stallions and jacks throughout the State of Texas, including all actual reasonable expenses incident thereto, in order to promote the breeding of better livestock in Texas; the remainder of said fund or so much

thereof as may be necessary shall be used for the payment of the total appropriation made and fixed by the Legislature for the support and maintenance, including salaries, of the State Department of Agriculture for each of said years; any excess or balance then remaining in said Special Racing Fund at the end of any previous calendar year shall be transferred by the State Treasurer to the Texas Old Age Assistance Fund. In order to simplify the accounting and expenditure of that part of such fund set aside for the support and maintenance of the Department of Agriculture, the State Comptroller and State Treasurer are authorized and directed to transfer annually or semi-annually lump sum amounts from said Racing Fund to the General Revenue Fund."

Sec. 16. The following amendment to the appropriation for the Railroad Commission, contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is hereby made:

"Item No. 2 in the Motor Transportation Division of said Railroad Commission, reading 'director, \$4,750.00 each year,' is hereby corrected and changed to read 'Director, \$5,000.00 each year.'"

Sec. 17. The following amendment to the appropriation for the Secretary of State, contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, is hereby made:

"With reference to the appropriation herein authorized and made for

the purpose of compiling, printing and distribution of journals and Acts of the Regular Session of the Forty-fifth Legislature, which appropriation is made available September 1, 1937, it is herein expressly provided that said appropriation shall become effective immediately upon the passage of this Act."

Sec. 18. The provision made in the appropriation for the State Tax Board, S. B. No. 138, Regular Session, Forty-fifth Legislature, with reference to the appropriation of \$25,000.00 for one year for a tax survey is amended to read as follows:

"The appropriation hereinabove made in the sum of \$25,000.00 for the tax survey is conditioned upon the continuation of the project and allocation of funds by the Federal Works Progress Administration sufficient to carry on the program."

Sec. 19. The following amendment to the appropriation for the State Treasurer, contained in S. B. No. 138, Regular Session, Forty-fifth

Legislature, is made by adding provisions erroneously omitted from the appropriation act, as follows:

"It is hereby provided that the total amounts of appropriations listed in the Cigarette and Liquor Tax Division and for note stamp operations shall be paid from the revenue collected by said Divisions; and the Comptroller and Treasurer are authorized and directed to transfer or deposit from said receipts to the General Fund before their final allocations, the amounts of said appropriations at the most convenient times, and in transferring or depositing said amounts that the proper per cent shall be used as the basis of prorating the costs of the services rendered for collecting said respective revenue receipts."

Sec. 20. The appropriations and the provisions governing same for State Treasurer-Special, which were erroneously omitted in the regular departmental act, S. B. No. 138, Forty-fifth Legislature, Regular Session, are hereby appropriated and inserted as follows:

"For the Years Ending
August 31, August 31,
1938 1939

For refunds to purchasers and lessees of certain public lands and timbers, payable as below provided out of the general fund or special funds as provided by law.....

\$ 8,000.00 \$ 8,000.00

The preceding appropriation entitled 'State Treasurer-Special' shall be for the purpose of making refunds, in accordance with the laws of the State, from the funds, effected, if permissible under the Constitution or General Laws, to purchasers and to lessees of public domain, mineral lands and to purchasers of timber, or their vendees or assigns, money which has been or which may be paid by them into the State Treasury or to the Attorney General in any of the following instances:

(a) Through error made in good faith, to be supported by the official signature of the Land Commissioner, or of the Attorney General, to whom such payment is made.

(b) Where the payment is made in accordance with law, but title cannot issue or possession cannot pass, because of conflict in boundaries, erroneous sales, erroneous lease or other cause.

(c) In case of sale of leased lands.

(d) Where lease money has been paid on previous forfeited sales, the same having been reinstated and all interest paid.

(e) Where erroneous timber sales have been made.

(f) Where overpayments have been made in final payments to the State Treasurer.

(g) Where a reduction has been made in acreage of timber sold or leased.

(h) In case of sale of timber which has been previously cut and appropriated, without such fact having been reported to the General Land Office prior to such sale; and to pay over to the newly organized counties where school lands set apart to such county are under lease at the time of organization of such county, previously paid but unearned portions of lease money on such lands; all refunds and payments herein provided for to be paid out of the respective funds to which said

payments have been made or may be accredited, and all claims for refund or payment, except those embraced in subdivision (a) hereof, to be certified by the certificate of the Commissioner of the General Land Office and also the proper amounts, and all such claims to be verified by the affidavit of the claimant and approved by the Attorney General as to the correctness of the claim to whom due, provided, that the money so paid by any purchasers or lessees in case of sale of land by the purchaser, or assignment of the lease by the lessee after payment of such money, so that such refund shall be paid to the person upon whom the loss falls in case of failure of title, or right of possession."

Sec. 21. The following amendment is made to the appropriation for the Texas Unemployment Compensation Commission, S. B. No. 138, Forty-fifth Legislature, Regular Session:

"The salaries of the members of the Texas Unemployment Compensation

Commission and the employees thereof are to be paid from Federal funds in accordance with State and Federal laws. The salaries of the members of said Commission shall not be less than the amount authorized by the act creating said Commission, and S. B. No. 95 shall not apply to salaries of members of the Unemployment Compensation Commission. The salaries of the Unemployment Compensation Commission members and all employees thereof shall be paid in accordance with contract between said Commission and the Federal Government, acting by and through its duly authorized agents.

Sec. 21a. The following amendment is made to the Workmens' Compensation Department appropriation of the Casualty Division of the Board of Insurance Commission, S. B. No. 138, Forty-fifth Legislature, Regular Session, by inserting Item No. 22 and making an appropriation thereto; said item No. 23 was omitted in error:

		"For the Years Ending August 31, 1938	August 31, 1939
22. Policy auditors and inspectors (two at \$1500 per year)		\$ 3,000.00	\$ 3,000.00

Sec. 22. Item 3 in the appropriation for The Texas Old Age Assistance Commission, which reads as follows:

		"For the Years Ending August 31, 1938	August 31, 1939
3. Assistant Director, two at \$3600.00 and two at \$3,000.00		\$ 13,200.00	\$ 13,200.00"

is hereby amended to read as follows:

		"For the Years Ending August 31, 1938	August 31, 1939
3. Assistant Directors, four at \$3,600.00		\$ 14,400.00	\$ 14,400.00"

Sec. 23. Rodent Control Board. Any appropriation heretofore made by the Legislature of this State for the purpose of eradicating salamanders, gophers and moles may be used in the counties mentioned in said appropriation, and also in Raines County, Texas, it being the intent of the Legislature to add Raines County to the list of counties enumerated in the appropriation bill.

Sec. 24. It is expressly provided that a record of all moneys appropriated in this Act shall be made available for public inspection the

same as other public records in this State. The Senate and the House shall each publish, in the form and manner as may be determined by each House, an itemized account of the expenditures. The Senate and House shall each have the authority to have same printed in the journal of each respective House.

Sec. 25. There is hereby appropriated, out of any funds in the State Treasury, not otherwise appropriated, the sum of \$10,000.00, or so much thereof as may be necessary, for expenses of any committees that

may be authorized by the Regular and First Called Sessions of the Forty-fifth Legislature by either the House of Representatives or the Senate of Texas, and of said amount appropriated herein there is allocated to the committees of the House the sum of \$5,000.00 or so much thereof as may be necessary, and to the Senate the sum of \$5,000.00, or so much thereof as may be necessary. Each House shall have the authority to limit by simple resolution the total amount of expenditures of any committee to be paid out of this appropriation.

Sec. 26. State Board of Registration for Professional Engineers. It is specifically provided that all sums of money received under and by virtue of S. B. No. 74, passed by the Forty-fifth Legislature, Regular Session, shall be deposited as required in said act with the State Treasurer in a fund to be known as "Professional Engineers Fund," and

all sums of money received in said fund during the biennium commencing September 1, 1937, and ending August 31, 1939, are hereby appropriated to said Board to be expended in accordance with the terms and provisions of said Act.

Sec. 27. All sums collected under and by virtue of H. B. No. 352, which are placed by said Act in the Bureau of Labor Statistics, are hereby appropriated to said Bureau during the biennium commencing September 1, 1937, and ending August 31, 1939, to be expended in accordance with the terms and provisions of said Act.

Sec. 28. The Board of Control is hereby specifically authorized to employ at any time said Board may see fit, the Superintendent for the West Texas Hospital for the Insane, authorized and created under and by virtue of H. B. No. 397.

Sec. 29. Item 17 of the appropriation for the Department of Agriculture, as contained in S. B. No. 138, Regular Session, Forty-fifth Legislature, which reads:

		"For the Years Ending August 31, August 31, 1938 1939"
17. Assistant Market directors, two, none to exceed \$1800.00	-----	\$ 4,200.00 \$ 4,200.00"

is hereby amended to read as follows:

		"For the Years Ending August 31, August 31, 1938 1939"
17. Assistant Market Directors, two, none to exceed \$2,100.00	-----	\$ 4,200.00 \$ 4,200.00"

Sec. 30. Item 3 of the appropriation for the Board of County and District Road Indebtedness, as contained in S. B. No. 138, Forty-fifth Legislature, Regular Session, which read as follows:

		"For the Years Ending August 31, August 31, 1938 1939"
3. Bookkeepers and bond clerks, six	-----	\$ 11,520.00 \$ 11,520.00"

is hereby amended to read as follows:

		"For the Years Ending August 31, August 31, 1938 1939"
3. Bookkeepers and bond clerks, six, none to exceed \$1,920.00 each per year	-----	\$ 11,520.00 \$ 11,520.00"

Sec. 31. If any portion of this Act be held unconstitutional, then it is hereby declared to be the intention of the Legislature to pass the remaining portion of said Act, nevertheless, regardless of the fact that a portion thereof might be an infringement of the Constitution of this State.

Sec. 32. The fact that the First Called Session of the Forty-fifth Legislature of the State of Texas is now in session and public policy requires that the appropriation made by this Act shall be made immediately available, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to

be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

On motion of Senator Shivers and by unanimous consent, further consideration of the report was postponed until tomorrow, immediately after conclusion of the morning call on that day.

Adjournment

On motion of Senator Shivers, the Senate, at 2:35 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Standing Committees

Committee Room,
Austin, Texas, June 3, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. C. R. No. 2, A resolution expressing the desire of the Legislature that the State Comptroller, the Attorney General, and the State Treasurer of Texas, honor, and allow to be paid warrants for the traveling expenses of the State Commissioner of Agriculture and the State Entomologist on the trip to Washington, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, June 10, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 3 and 2 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

TENTH DAY

(Tuesday, June 15, 1937)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceeding of the Ninth Legislative day was dispensed with, on motion of Senator Aikin.

Senate Concurrent Resolution No. 5

Senator Holbrook called from the President's table, for further consideration, at this time, the following resolution (the resolution having been tabled subject to call on yesterday):

S. C. R. No. 5, Relating to custody and use of Hall of State in the City of Dallas.

The President laid the resolution before the Senate.

Senator Hill raised a point of order on further consideration of the resolution, on the ground that it relates to a subject not submitted by the Governor for legislation at the present special session.

The President overruled the point of order.

The resolution was adopted.